

ARTICLES APPEARED
ON PAGE A-1

NEW YORK TIMES
19 MARCH 1982

SENATE VOTES BILL TO GUARD IDENTITY OF COVERT AGENTS

Approval Follows Long Debate Over Freedom of Press and National Security Need

By DAVID SHRIBMAN

Special to The New York Times

WASHINGTON, March 18 — The Senate, ending a debate over the balance between press freedom and national security, approved a bill today that would make it a crime to disclose the identities of American intelligence agents involved in covert actions abroad.

The bill, which is nearly identical to one passed last September by the House of Representatives, has strong White House support and is all but certain to become law.

Before sending the measure to a conference with the House, however, the Senate defeated an amendment that would have restricted prosecution to people whose "main direction" was to expose the identities of American intelligence agents.

Wide and Bitter Differences

The final passage of the Senate bill by a 90-to-6 vote masked the wide and often bitter differences over one of the bill's major elements, a provision that exposes to prosecution those people, including journalists, who have "reason to believe" that their disclosures would hinder American intelligence activities. The Senate accepted that language yesterday.

In voting for the bill, the Senate sought to protect American covert agents operating abroad. Intelligence officials maintain that the identification of covert agents compromises their work and exposes them to harm.

Such disclosures have been blamed for the 1975 slaying of Richard Welch, the Central Intelligence Agency's station chief in Athens, and for a number of attacks on American intelligence personnel in Jamaica.

Court Test Is Expected

The bill, which has been criticized by press and civil liberties groups, is expected to face a swift court test. Several members of the Senate have said that the restrictions on the press are unconstitutional.

The American Civil Liberties Union is already preparing to challenge the bill in court. Jerry J. Berman, legislative counsel to the group, described the measure as an "unconstitutional, overbroad bill that is unnecessary, unwise and that will chill legitimate investigative reporting on foreign policy and intelligence activities, even if they're violations of the law."

Approval of the bill was all but assured after the Senate voted today against the amendment offered by Senator Bill Bradley, Democrat of New Jersey, that would have restricted prosecution to those whose "main direction" was to "identify and expose covert agents."

The Bradley amendment, which was defeated by a vote of 59 to 37, was prompted by a colloquy involving Senator David F. Durenberger, Republican of Minnesota, and Senator John H. Chafee, Republican of Rhode Island.

In the colloquy, Senator Chafee gave assurances that the bill was directed at those whose main purpose was to expose the identities of covert agents and not at those who wished only to expose wrongdoings or report the news. "Nobody need fear prosecution other than those in the business of naming names," he said.

That discussion was at the heart of the debate that preceded the voting on the Bradley amendment, with Senator Joseph R. Biden Jr., Democrat of Delaware, arguing that the language of the amendment was consistent with the agreement in the colloquy.

"Now we're about to vote down that language," Senator Biden said. "We're going to vote down that colloquy."

Senator Chafee, in a reference to intelligence newsletters that have exposed the identities of covert agents, replied:

"Obviously, this legislation is not designed for legitimate news-gathering organizations which have published derogatory information about the C.I.A. but have managed to do so with no disclosure of names, or with very few exceptions."

In the final vote on the bill, five Democrats and one Republican were opposed. The Democrats were Senators Bradley, Biden, Alan Cranston of California, Gary Hart of Colorado and Daniel Patrick Moynihan of New York. The Republican was Senator Larry Pressler of South Dakota.

Three Senators did not vote. They were Howard W. Cannon of Nevada and Russell B. Long of Louisiana, both Democrats, and Charles McC. Mathias Jr. of Maryland, a Republican.